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MARCH 19, 2020

COVID-19 - NEW FEDERAL EMERGENCY PAID LEAVE REQUIREMENTS

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On March 18, 2020, President Trump signed H.R. 6201 – Families First Coronavirus Response Act into law. The law becomes effective 15-days after enactment and will sunset December 31, 2020. H.R. 6201 authorizes up to 12-weeks of job-protected emergency paid leave. For full text see <https://www.congress.gov/bill/116th-congress/house-bill/6201>.

FEDERAL LAW NOW REQUIRES EMPLOYERS WITH LESS THAN 500 EMPLOYEES TO PROVIDE PAID LEAVE TO EMPLOYEES WHO HAVE BEEN ON THE JOB FOR AT LEAST 30 DAYS.

- ❖ **PURPOSE:** The employee is unable to work/telework because the employee's child's school or place of care is closed, or the child's usual care provider is unavailable due to a COVID-19 related public health emergency.
- ❖ **FAMILY MEMBERS:**
 - Minor child.
 - Parent; spouse; individual who is pregnant, senior citizen, individual with a disability or who has access or functional needs and is the employee's child (any age) next of kin, grandparent/child.
- ❖ **12 WEEKS OF JOB-PROTECTED EMERGENCY PAID LEAVE**
 - First 10 days may be unpaid.
 - For subsequent leave, employer must pay employee at 2/3 wage replacement up to \$200 per day and \$10,000 total.
- ❖ **JOB PROTECTION:**
 - Employee has a right to job restoration under the Family Medical Leave Act (FMLA).
 - Exception for employers with fewer than 25 employees under certain conditions.
- ❖ **EXEMPTIONS:**
 - Secretary of Labor/Department of Labor has discretion to exempt certain health care providers and emergency responders.
 - Secretary of Labor/Department of Labor has discretion to exempt businesses with fewer than 50 employees.
 - Employers of health care providers and emergency responders may elect to exclude such employees from this leave.
- ❖ **EMPLOYER TAX CREDITS:** If eligible and subject to the requirements of H.R. 6201, employers can seek a tax credit equal to 100% of the qualified paid FMLA wages paid by the employer. Qualified paid FMLA wages are capped at \$200 per day and \$10,000 overall. Additional tax credits may be available to employers.